



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,609	10/24/2000	Klaus Hofrichter	SONY-50N3765	3968

7590 10/12/2007
Sheryl Sue Holloway
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90024

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/696,609	HOFRICHTER ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14, 16-24 and 26-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 4, 6 – 9, 11 – 14, 16 – 19, 21 – 24, 26 – 29, 31 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (U.S. Patent No. 6,236,395) in view of Cobbley et al. (U.S. Patent No. 5,818,510).

Referring to claim 1, Sezan discloses a media storage device implementing a method of enabling automated management of data stored on said media storage device (**see Column 6, Lines 23-38 for managing data stored on a media storage device**).

Sezan also discloses receiving content data at said media storage device (**see AV Program 38 containing video/content data in Figure 2 and Column 7, Lines 55-56**).

Sezan also discloses receiving context data at said media storage device (**see AV Program 38 for further containing PSIP/DVB-SI data/context data, which is received by at receiver at Column 7, Lines 55-56**), wherein said content data and said context data update part of an audiovisual program stored on the media storage device ().

Sezan also discloses receiving executable storage management instructions from a media service provider (**see Column 7, Line 55 through Column 8, Line 3 for receiving a program, user and/or system description scheme over a network**) that, when executed, perform automated management of said media storage device without requiring user input (**see Column 8, Line 56 through Column 9, Line 6 for using the user or system description scheme to trigger the highlight generation functionality (further discussed at Column 7, Lines 30-36), which is performed without requiring user input (further note Column 48-52)**).

Sezan also discloses storing said content data and said context data on said media storage device in accordance with said storage management instructions (**see Column 9, Lines 1-5 for storing both the preferred views (content clips making up a 5 minute highlight of a program) and associated data in the program description scheme**).

Although Sezan discloses creating a 5 minute highlight of clips from a program (**see above**) and allows a user to delete outdated program clips that have already been viewed (**see Column 10, Lines 10-11**), Sezan fails to disclose that said content data and said context data update part of an audiovisual program stored on the media

storage device, identifying previously stored content data at said media storage device as being outdated using said received context data and replacing said previously stored content data with said received content data.

Cobbley discloses identifying previously stored content data at said media storage device as being outdated using said received context data (**see Column 13, Lines 20-23**) and replacing said previously stored content data with said received content data (**see Column 13, Lines 46-49**).

Cobbley also discloses that said content data and said context data update part of an audiovisual program stored on the media storage device (**see Column 13, Lines 62-67**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the media storage management process, as taught by Sezan, using the segment updating management method, as taught by Cobbley, for the purpose of providing a beneficial system which stores broadcast information in an efficient manner, keeping only portions of the information which is most current and provide a system which allows an individual to quickly and easily access the stored information (**see Column 1, Lines 64 through Column 2, Lines 2 of Cobbley**).

Regarding claim 2, Sezan discloses the claimed processor and computer readable memory as required to perform the function of automated management of data stored on the storage medium (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

Regarding claims 3, 13 and 23, Sezan discloses *"It is preferred to maintain the program description scheme separate from the **system description scheme** because the **content providers repack** the content and **description schemes** in different styles, times and formats"* (see col. 7 lines 40 – 45) and thus discloses a storage management service provider located remotely from said media storage device.

Regarding claim 4, Sezan discloses the claimed managing content data and context data of media signal stored on the media storage device according to storage management instructions (see col 9 lines 1- 7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38).

Regarding claims 6 and 8, Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description profile scheme and the system description scheme. It is noted that the system description scheme is used for the recording or writing of new media signal (see col. 7 lines 16 – 49) thus Sezan discloses the claimed "allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions".

Regarding claim 7, Sezan discloses receiving user preferences from said on-site user (see col 5 lines 37-45, col 9 lines 40 – 50).

Regarding claims 9 and 31, Sezan discloses *“the system description scheme may be transported to the source to provide the source with view or other capabilities that the device with image, audio and/or video content customized or otherwise suitable for the particular device”* (see col. 8 lines 1 – 8) and also discloses *“...because the content providers repackage the content and description schemes in different styles, times and formats”* and thus discloses the claimed limitations.

updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

Claims 11 and 21, are met by the discussions above.

Regarding claims 12 and 22, Sezan discloses enabling the storage management instructions to execute on the on-site media storage device (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

Claims 14, 16, 18, 19, 24, 26, 28 and 29 are met by the discussions above.

Regarding claims 17 and 27, Sezan discloses a system description scheme records programs based on preference data in user description scheme (see col. 9 lines 41 – 52, col. 7 lines 7 – 15).

Referring to claims 34-35, Sezan teaches that the context data is received at said on-site media storage device (see Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 10, 15, 20, 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al (6,236,395) in view of Cobbley et al. (U.S. Patent No. 5,818,510) in further view of Kunkel et al (US 2002/0056093).

Regarding claims 5, 10, 20 and 30, Sezan and Cobbley fail to disclose providing context-sensitive management and wherein the storage management instructions are capable of managing a discrete context-content clip of data.

In analogous art, Kunkel teaches a system which filters additional descriptive information at the set-top box according to demographic information for the benefit of providing more targeted additional information. Therefore, it would have been obvious to an artisan skilled in the art at the time of the invention to include managing the context of description scheme in Sezan and Cobbley for the benefit of targeting and thus providing descriptive information that a user would find more interesting or useful.

4. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al (6,236,395) in view of Cobbley et al. (U.S. Patent No. 5,818,510) in further view of Kenner et al (US 5,956,716).

Regarding claims 32 and 33, as discussed above, Sezan and Cobbley disclose receiving executable storage management instructions at a media storage device to record a program by receiving context data associated with the program, wherein the storage management instructions instruct the media storage device to store the program and automatically executing the received storage management instructions without requiring a user input. Sezan and Eyer fails to disclose receiving an updated version of a particular one of a plurality of clips of a program stored at a media storage device and using the management instructions to store one of the plurality of clips.

Kenner teaches storing video clips at a user device. Kenner further recognizes the video clips stored may not be current and thus teaches providing updated clips to a user device (see col. 5 lines 1 – 15, col. 28 lines 59 – 65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sezan and Cobbley to include the claimed limitations for the benefit of providing a user with the most up-to-date and recent clips and programming.

Regarding claim 33, the combination of Sezan and Kenner teaches the claimed limitation. It is noted that since Kenner teaches receiving a displaying a updated clip, necessarily the user can output a program before the updated clip is received or can also output the program after the updated clip is received.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

October 9, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', is written over the printed name and title.